

WPA 4462 of 2026

Sundar Lal Kumar
VS.
The State of West Bengal & Ors.

Ms. Susmita Dey (Basu)
Mr. Kaustav Ghosh
.....for the Petitioner

Mr. N.C. Bihani, Sr. Adv.
Ms. Sahina Sumi
.....for the C.S.T.C

Ms. Aparna Banerjee, learned AGP
Mr. Kaustav Seal
..... for the State

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is a retired employee of the Calcutta State Transport Corporation (CSTC). He retired from service on 31st July, 2025 on attaining his normal age of superannuation. The petitioner has not been paid his provident fund and though he received his gratuity, the same was received upon dearness allowance.
3. The petitioner prays for releasing his Provident Fund dues along with interest on account of delayed payment and also interest on delayed payment of gratuity which has been paid belatedly. The petitioner also alleges that the pension that has been received does not include the dearness allowance component.

4. The issue regarding applicability of the dearness allowance in the pensionable gratuity paid to the retired employees of the organization has been decided by this Court on 31st March, 2026 in WPA 29126 of 2024 in the matter of Prosun Talukdar & Ors. Vs. State of West Bengal & Ors.
5. The petitioner relies upon the said order and prays for similar reliefs.
6. In Prosun Talukdar (supra) the Court held that, in terms of the several memoranda of the Transport Department, Government of West Bengal, the retired employees would be entitled to receive the gratuity and pension including the dearness allowance.
7. The Court directed the Managing Director of the Calcutta State Transport Corporation to take steps for disbursing the Dearness Allowance component to the retired employees in terms of the memoranda dated 4th September, 2025 and 14th January, 2026.
8. In view of the above, the instant writ petition is disposed of by directing the Managing Director of the Calcutta State Transport Corporation to disburse the Provident Fund dues of the petitioner along with interest calculated at the rate of six percent per annum payable on and from the next date of retirement till the date of actual payment and also interest on the delayed payment of gratuity within a period of twelve weeks from the date of communication of this order.

9. The Managing Director of the Calcutta State Transport Corporation to take steps for disbursing the Dearness Allowance component of the petitioner in terms of the aforesaid memoranda at the earliest but positively within a period of twelve weeks from the date of communication of this order.
10. In the event the provident fund dues and the dearness component is not cleared within the time period stipulated hereinabove, then additional two percent, that is, $6+2=8$ percent simple interest shall be paid to the petitioner on and from the next date of retirement till the date of actual payment.
11. At the time of extending the benefits as aforesaid towards provident fund and dearness allowance, if required, the State authorities shall provide the necessary funds to the CSTC.
12. There is no proof of service upon the respondent no.6.
Let a copy of the writ petition along with a copy of this order be served upon the respondent no.6.
13. The writ petition stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)